

United States District Court
for the Middle District of Pennsylvania

W.M. Branch
vs.
Russian et. al.,

Civil Action 1:00-cv-1728
(Judge Conner)

FILED
HARRISBURG, PA

SEP 7 2004

Brief in support of motion
for injunction to Stay proceedings
Pending Appeal

If it Please's this most noble tribunel Here comels
ignoble William Branch CF-3756 a inmate Housed at S.C.I.
waymarr PRaying this auspices court will grant this
motion to stay all PROceeding's as of ~~as of~~ July 27, 2004
Pending Appeal to the third circuit court.

your Honor I am Appealing issues of Discovery and
the denial of Discovery covered in Rule 33(a) of fed. Rules
of CIVIL PROCEDURE "Availability. without leave of court OR
WRitten stipulation" Rule 33(b) the party upon whom the interrogatories
have been served has 30 days to serve objections
and answers without leave of the court for over Two
years I tried to up tain answers to my interrogatories
Ms Mosley never answered any of my Request for Discovery
all this was done before she filed a Motion for
SUMMERY Judge ment. and order entered by Judge Rambo
1-29-02 Directing discovery within 60 days Ms mosley
never participate by answering interrogatories

Page ② on 5-30-02, 9-17-03, 2-14-02, interrogatories sent to Ms Mosley. No answer on 11-26-03, enter on the court docket a request for interrogatories, denied by the court because Ms Mosley filed a motion for summary judgement, then justified by saying Ms Mosley would be prejudiced. How can she be prejudiced if I petition the court first if any thing I have been prejudiced by that order!

I was entitle to full discovery, and you denied me this right.

Rule 56(f) provides for discovery to defeat a motion for summary judgement you narrowly construe the scope of my discovery that any answer would not be complete, By not allowing all interrogatories to be answered by Ms Mosley and even when she states, in her answers to my interrogatories "This interrogatory does not provide sufficient information to permit the defendants to respond to it"!

You state in your order "she has complied with the courts discovery order" order entered 8-16-04

Supplemental Pleading you denied me supplemental pleading and cost me \$150.00 to file another complaint when the rules clearly speak to favor supplemental pleading to avoid court cost and to join complaints dealing with the same plaintiff complaints, this motion was also filed before Ms Mosley filed for summary judgement, I petitioned the court pleading that it freely threaten me not to file a grievance.

This is a clear violation of First amendment

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What was Ms Mosley answer to this threat
Lt Freethy is not a Defendant in this case, this is
a "ongoing ~~conspiracy~~ conspiracy by the staff to force
me to drop my law suit's".

next you award me \$10.00 and you say I Said
my cost was \$10.00, when clearly I said my Cost was
\$10,000.00

for me to allow you to go on with my case
and not speak up would be to say I don't have any
Rights before this court! Respectfully

Most Recently C/O Gowat the C/O who forced
me to cut my hair and Said he was not Retaliating
has called MR Simmons a "ignorant Nigger" and
was whistling dixie, and the staff has not Removed
him for being in charge of Black inmates choosing
to move me instead because I complained about him.
To this End C/O Gowat Said "Let me see your I.D. Card
Looks like you need another one." on 8-19-04. I
Put in a Request For a new I.D. Card on 8-24-04 I was
Issued a new I.D. Card on 8-31-04 C/O Gowat wrote
a incident Report stating "on 8-19-04 I Gave inmate
Branch a Direct order to get a new I.D. card and
To this date he has not done so". he also Lied on
MR Simmons when he wrote him up stating MR
Simmons Refused to go to work, this he did after
MR Simmons Reported him for calling him a ignorant
nigger" and if C/O Houston and Sgt MuelhouseR
had not stood up and said MR Simon had asked them
to call his Job to have him called down to work

Supt Collehan
Request to
Please find a copy of
in close

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.		
1. To: (Name and Title of Officer) <i>Supt. Colferan</i>	2. Date: <i>8-26-04</i>	
3. By: (Print Inmate Name and Number) <i>WM Branch CF-3756</i>	4. Counselor's Name <i>Mr. Tong</i>	
<i>William Branch</i> Inmate Signature	5. Unit Manager's Name <i>Mr. Elliott</i>	
6. Work Assignment <i>G. Plant</i>	7. Housing Assignment <i>M-2</i>	
8. Subject: State your request completely but briefly. Give details. <i>Sir. I wrote you on the 24th of August about C/O Goward calling inmate Simmons BZ-2363 a "ignorant Nigger" and his writing a misconduct alleging Mr. Simmons Refusing to go to work, and your staff Disposing of the misconduct, and threaten Mr. Simmons if he wrote a grievance on C/O Goward. Respectfull</i>		
9. Response: (This Section for Staff Response Only) <i>To day C/O Goward was sitting on the Black at 7:05 AM whistling Dixie; which is clearly a open affront to all minorities especially afro-American's who were slaves Again I ask you do you thing this man should be in charge of Black inmate when clearly he</i>		
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name

Print

Sign

Date

cc. Judge Conner which is a Civil Rights Violation

Revised July 2000

Supt Colferan

unsworn Declaration

8-25-04
William Branch CF-3756 I affirm under penalty of the law the above is true

Page ④ also the misconducts that the D.O.C. put me in the hole were all done in violation of the due process in that the convictions used some evidence as bases to find me guilty, all were not in accordance with 37 Pa. Code 93.10 nor did it comply with inmates liberty interest to remain in general population see Docket No. 828 M.D. 2002 Rhondell Brown Commonwealth court 801 DC-ADM policy

2 Pa. CSA 101 et seq.

Superintendent Hill 472 U.S. 445 at 457

Brown vs. Fauer, 819 F.2d 375 (3rd Cir 1987)

RE: ~~Beard~~ Beard's March 30, 2004 memo DC-ADM
801 on the standard of review at disciplinary hearings.

IT IS CLEAR THAT THE ATTORNEY GENERAL OFFICES HAS NOT BEEN UPHOLDING THE CONSTITUTION OF THE UNITED STATES NOR HAS THE DISTRICT COURTS "RESPECTFULLY" WHEN A INMATE HAS TO PETITION THE COURTS TO SHOW THEM THAT A AGENCY OF THE JUDICIARY IS NOT PROVIDING DUE PROCESS. THIS SHOULD DEFEAT MS MOSLEY MOTION FOR SUMMARY JUDGEMENT IN THAT THE STAFF HERE PLACED ME IN THE RTU IN VIOLATION OF MY DUE PROCESS RIGHTS IF THEY WERE USING THE WRONG STANDARDS RESPECTFULLY FOR THE REASONS STATE ABOVE I PRAY THAT HIS MOST NOBLE TRIBUNE WILL STAY ALL PROCEEDING PENDING APPEAL OR RULE IN FAVOR OF ME AND AWARD \$3,000,000.00

Proof of Service

SDAG MS Mosley 15th fls STRAWBERRY SQ MORRISBURG PA 17120
Judge Conner PO Box 847 MORRISBURG PA 17108

CF3756

Unsworn Declaration
Date 9-1-04 I affirm under penalty of perjury that the above is true
William Branch
PO Box 256
Waymart PA 18472